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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,707

06/20/2006

Mark Gilmore Mears

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3487

24498 7590 02/02/2010  
Robert D. Shedd, Patent Operations  
THOMSON Licensing LLC  
P.O. Box 5312  
Princeton, NJ 08543-5312

EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT

PAPER NUMBER

2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,707	<b>Applicant(s)</b> MEARS ET AL.	
	<b>Examiner</b> GIRUMSEW WENDMAGEGN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/20/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim1-18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kendall et al (Pub No US 2003/0202776), and further in view of Mears et al (Patent No US 6,707, 508).

Regarding claim1, 10, Kendall discloses a method for controlling a video signal processing apparatus, comprising the steps of: selecting a first video channel from a plurality of video channels in response to user input corresponding to a channel selection command using one of a channel scan mode and a direct channel selection mode (see paragraph 0028, fig.2 step 202); transferring a program signal received via a selected digital video channel I to a storage device in response to activation of a digital recording mode (see paragraph 0028, fig.2 step 202 and 204); selecting a new one of the plurality of digital video channels and analog video channels in response to the user input while in the digital recording mode (see paragraph 0028), wherein if the channel scan mode is used, selecting a next digital video channel in the channel scan sequence, and maintaining the digital recording mode (see paragraph 0028) but does not teach skipping any intervening analog video channels between a currently selected

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video channel and the next digital video channel in the scan sequence. However Mears et al teaches skipping any intervening analog video channels between a currently selected video channel and the next digital video channel in the scan sequence (see column6 line57-59).

One of ordinary skill in the art at the time the invention was made would have been motivated to skip analog video channel as in Mears because it would make channel searching much effective by minimizing time it take to find the desired channel.

Regarding claim2, 11, Kendall teaches if the selected channel corresponds to a digital video channel, selecting the digital video channel and maintaining the digital recording mode (see paragraph 0028) but does not teach if the selected channel corresponds to an analog video channel, selecting the analog video channel and terminating the digital recoding mode. However the user is able to terminate the digital recording if analog channel is selected. Therefore official notice is taken.

Regarding claim3, 12, Kendall teaches the method according to claim 2, wherein the digital recording mode is initiated in response to user selection of predetermined keys on a user input device (see paragraph 0014, remote controller).

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Regarding claim4, 13, Kendall teaches the method according to claim 2, wherein the digital recording mode is initiated in response to user selection of a digital video signal channel (see paragraph 0014, 0028).

Regarding claim5, 14, Kendall teaches the method according to claim 2, wherein the program signal is stored in a designated buffer in the storage device (see paragraph 0019, "storing the A/V data on buffer storage").

Regarding claim6, 15, Kendall teaches the method according to claim 5, wherein the storage device comprises a hard disk device coupled to the television apparatus via the IEEE 1394 bus (see paragraph 0021, HDD).

Regarding claim7, 16, Kendall teaches the method according to claim 5, wherein the digital video channels are designated by respective major and minor channel numbers, and wherein if the newly selected video channel corresponds to a sub-channel having a new major channel number, deleting any program signals stored in the designated buffer (see paragraph 0005).

Regarding claim8, 17, Kendall teaches the method according to claim 5, further comprising the step of determining whether PID filtering is enabled, and if so, deleting any program signals stored in the designated buffer upon selection of a new digital video channel (see paragraph 0031).

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Regarding claim 9, 18, Kendall teaches the method according to claim 5, further comprising the step of determining whether PID filtering is enabled, and if not, and wherein the digital video channels are designated by respective major and minor channel numbers, deleting any program signals stored in the designated buffer only when the newly selected digital video channel corresponds to a sub-channel having a new major channel number (see paragraph 0005, 0031).

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/  
Examiner, Art Unit 2621

/JAMIE JO ATALA/

Primary Examiner, Art Unit 2621